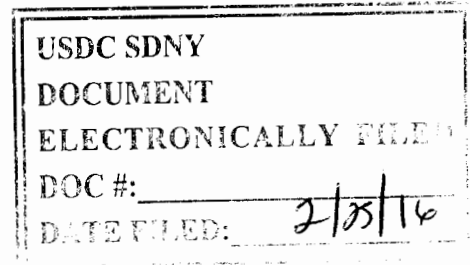


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



AMERICAN CIVIL LIBERTIES UNION and
THE AMERICAN CIVIL LIBERTIES
UNION FOUNDATION,

Plaintiffs,

15 CV 1954 (CM)

v.

U.S. DEPARTMENT OF JUSTICE, including
its components the Office of Legal Counsel
and Office of Information Policy, DEPARTMENT
OF DEFENSE, DEPARTMENT OF STATE,
and CENTRAL INTELLIGENCE AGENCY,

Defendants.

SHORT FORM ORDER DIRECTING GOVERNMENT
TO PRODUCE THREE DOCUMENTS FOR IN CAMERA INSPECTION

McMahon, J.:

The court is today hand-delivering to the Government, and filing under seal, a memorandum order directing the Government to produce for in camera inspection three documents listed on its classified composite Vaughn Index: Department of Defense Documents 7 and 8 and Office of Legal Counsel Document 306. The Government has five business days from today's date (which, by my calculation, is March 4, 2016) to produce the three documents; as detailed in the sealed opinion, I expect all classified and National Security Act material in the documents (each of which is partially unclassified) to be clearly designated (preferably with a colored highlighter) for ease of review.

The court does not believe that the memorandum order, which explains why these documents must be produced for inspection by the court, contains any classified information. However, it has been and will continue to be my practice to give the Government time to vet opinions and orders for classification issues that might escape the notice of a reader of news media in which information that the Government considers to be classified routinely appears. The Government has five business days from today's date to advise the court whether any redaction is, in its opinion, necessary; on March 4, the order will be unsealed.

There may be a further request for the in camera production, but as is apparent from the unclassified memoranda of law filed by both sides, these three documents, and especially OLC

306, are the key documents in the case. After reviewing them it should be possible for me to complete the opinion disposing of the cross motions for summary judgment imminently. While I cannot assign a precise definition of that word, I hope, subject to the press of other business, to have a decision ready for vetting by the end of March.

Dated: February 25, 2016

A handwritten signature in black ink, appearing to be "Alan R. H.", written over a horizontal line.

U.S.D.J.

BY ECF TO ALL COUNSEL